HONOURABLE SRI JUSTICE B.PRAKASH RAO

And

HONOURABLE SRI JUSTICE D.APPARAO

MONDAY, THE SEVENTEENTH DAY OF APRIL TWO THOUSAND SIX

WRIT APPEAL No.320 of 2006

Between:

1. The APSRTC, Rep. By its Managing Director, Hyderabad and 3 others.

.. Appellants

Vs.

Sameta Ravi Kumar .. Respondent

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JUDGMENT (Per Hon'ble Sri BPR, J)**:**

Heard both the sides and at the request of both the counsel, the main appeal itself is taken up for disposal.

2. The appellants herein are the A.P.State Road Transport Corporation ('Corporation' for brevity). By the impugned order dated 16-12-2005, the learned

single Judge allowed the writ petition directing the Corporation to implement the proceedings dated 10-05-2002, within a period of two months from the date of receipt of that order.

3. A few facts which are necessary for disposal of the appeal are that the writ petitioner is seeking compassionate appointment on the ground that his father was an employee, in the appellant corporation and he died on 11-10-2001 while in service.

4. Admittedly, the appellant Corporation issued proceedings dated 10-05-2002, wherein, it is specifically stated that the petitioner has been selected for the post of Conductor and he was directed to attend the training.

5. However, the case of the appellants is that it is only a selection and no orders have been issued for the regular appointment of the writ petitioner and hence, the writ petitioner has no right to claim for appointment. It is further contended by the Corporation that having regard to the prohibition orders dated 05-03-2005, issued by the Government of A.P., the question of contract or regular appointment will not arise.

6. Having heard the counsel on either side and on perusal of the material available on record, it is seen that the writ petitioner is seeking appointment on compassionate grounds, but not in pursuance of the regular selection process after the notification and as such, it is only a case for appointment on compassionate grounds since his father being an employee of the Corporation died while in service. Hence, the question of selection for regular appointment in the instant case does not arise. The order dated 05-03-2005 only contemplates the direct appointment either on contract or regular basis. Having found the person qualified for the said post on compassionate grounds and the reference to the proceedings of the Government dated 05-03-2005 is only relating to the regular appointments, but not any compassionate appointment, the Corporation cannot reject the claim of the writ petitioner. Therefore, the order dated
05-03-2005 issued by the government, is not applicable to the compassionate appointments.

7. Hence, we do not find any merits in the appeal and the same is accordingly dismissed.

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(B.PRAKASHRAO,J)

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April 17, 2006 **(D.APPARAO, J)**

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